

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

JAMES EVERETT SHELTON,	:	
	:	
Plaintiff,	:	Case No. 2:21-cv-03045-JMY
	:	
	:	
v.	:	
	:	
LUMICO LIFE INSURANCE CO.,	:	
and ASSURANCE IQ, LLC,	:	
	:	
Defendants.	:	

**JOINT STIPULATION TO EXTEND THE BRIEFING SCHEDULE AND TIME TO  
RESPOND TO PLAINTIFF’S FIRST AMENDED COMPLAINT**

Plaintiff James Everett Shelton, (“Plaintiff”) and Defendants Lumico Life Insurance Co. (“Lumico”) and Assurance IQ, LLC (“Assurance”) through their respective counsel, stipulate and agree, pursuant to Rule 7.4 of the Rules of Civil Procedure of the United States District Court for the Eastern District of Pennsylvania, and subject to the Court’s approval, that Defendants Assurance and Lumico will answer, move, or otherwise respond to the First Amended Complaint by October 27, 2021, and Assurance shall have until October 27, 2021 to file its Reply Brief in support of the Motion to Stay Based on Primary Jurisdiction (ECF No. 49) and its Reply Brief in Support of the Motion to Bifurcate (ECF No. 50).

In further support of this Stipulation, the Parties state as follows:

WHEREAS, Plaintiff James Everett Shelton filed his First Amended Complaint on September 15, 2021, (ECF No. 45);

WHEREAS, the deadline for Defendants Lumico and Assurance to respond to Plaintiff’s First Amended Complaint is currently October 13, 2021 (ECF No. 53);

WHEREAS, on September 22, 2021, Defendant Assurance filed a Motion to Stay Based

Upon Primary Jurisdiction and a Motion to Bifurcate Discovery (ECF Nos. 49, 50);

WHEREAS, Defendant Lumico joined in support of Assurance's Motion to Stay and Motion to Bifurcate on October 1, 2021 (ECF No. 54);

WHEREAS, Plaintiff opposed those Motions on October 6, 2021 (ECF Nos. 55, 56).

WHEREAS, Assurance's deadline to file reply briefs in support of its Motion to Stay and Motion to Bifurcate is presently October 13, 2021;

WHEREAS, the parties have been discussing the underlying allegations of the First Amended Complaint and request additional time to continue their discussions;

WHEREAS, Defendants respectfully request a two-week extension of all pending deadlines;

WHEREAS, this request for an extension is made in good faith and is not interposed for purposes of delay;

WHEREFORE, Plaintiff, and Defendants Lumico and Assurance, through their respective undersigned attorneys, hereby STIPULATE and AGREE that the time for Defendants Lumico and Assurance to answer, move, or otherwise respond to the First Amended Complaint shall be extended to October 27, 2021, and Defendant Assurance shall have until October 27, 2021 to file its Reply Brief in Support of the Motion to Stay Based on Primary Jurisdiction (ECF No. 49) and its Reply Brief in Support of the Motion to Bifurcate (ECF No. 50).

Respectfully submitted,

*[Signatures on following page]*

Date: October 12, 2021

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 13, 2021, a true copy of the foregoing document was served on all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Daniel E. Brewer

*Daniel E. Brewer*